

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Patent Application of:  
Eileen Tozer, et al.****Application No.: 10/624,909****Filing Date: July 21, 2003****For: Fluorescent Proteins, Nucleic Acids  
Encoding Them and Methods for  
Making and Using Them****Confirmation: 7087****Art Unit: 1637****Examiner: Angela Marie Bertagna**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE AND AMENDMENT AFTER FINAL**

Dear Sir:

Responsive to the Advisory Action mailed August 13, 2007 (the "AA"), and in further response to the Final Office Action mailed December 28, 2006 ("the Final OA"), Applicants respectfully request entry of this RCE amendment and consideration of the remarks set forth herein.

A Notice of Appeal was filed May 24, 2007; thus a response was initially due July 24, 2007. Applicants submit herewith a Petition for Extension of Time, along with the required fee, to extend the time to reply to this Office Action for four months to November 24, 2007. Accordingly, this RCE is timely filed.

**Amendments to the claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks and Arguments** begin on page 16 of this paper.

The follow documents are enclosed:

- Transmittal Letter (1 page);
- Petition for 4 month extension of time (1 page); and
- Response to Office Action (26 pages).